

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SALVADOR GARCIA, SP 2013-LE-057 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building location to permit addition to remain 8.2 ft. from side lot line and reduction of certain yard requirements to permit construction of accessory storage structure 6.5 ft. from side and rear lot lines. **(THE BOARD DID NOT APPROVE THE ACCESSORY STORAGE STRUCTURE.)** Located at 4807 Flower Ln., Alexandria, 22310, on approx. 11,036 sq. ft. of land zoned R-3. Lee District. Tax Map 82-3 ((14)) (H) 2. (Admin. moved from 10/23/13 at appl. req.) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on November 20, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. The application does not meet all the submission requirements set forth in Section 8-922, specifically Standards 6 and 7, and General Standard 3 in Section 8-006.
3. The staff recommends denial of the application basically because the applicant did not provide the information required under Standards 6 and 7.
4. The Board adopts the rationale of the staff.
5. The applicant indicated that this shed could be moved and could be placed in a by-right location so there really is no necessity for the 8-922.
6. The carport was enclosed before this applicant bought the property and, therefore, it falls under the Code section that allows up to that approval.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has not presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance.


NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED-IN-PART**, with the following development conditions:

1. This special permit is approved only for the location and size of the 344 square foot addition (enclosed carport) as shown on the plat titled "Special Permit Plat, Lot 2, Block H, Rose Hill Farm," prepared by Joseph W. Bronder of DiGuilian Associates, P.C., dated April 1, 2012, as revised through August 26, 2013, as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the carport enclosure within six months of approval of this special permit.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Hammack seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals